

MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CHULA VISTA

October 21, 2003

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:04 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: Davis, McCann, Rindone, Salas, and Mayor Padilla

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Moore, and City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- PRESENTATION BY UNITED WAY REPRESENTATIVE, DONALD EPPS, OF A UNITED WAY "EXCELLENCE IN GIVING AWARD" FOR THE 2002 CITY EMPLOYEE CAMPAIGN

Rob Reinhart, the City's United Way Chair, introduced Donald Epps, Associate Director for United Way San Diego County, who reported that City of Chula Vista employees raised \$46,000 in 2001 and \$66,000 in 2002 for the United Way campaign. He then presented the *Excellence in Giving Award* to City Manager Rowlands, who stated that the City is the leader in dollar volume giving in the County, which is a reflection of the compassion, spirit and caring of its employees towards the community.

CONSENT CALENDAR
(Items 1 through 6)

1. APPROVAL OF MINUTES of October 7, 2003.

Staff recommendation: Council approve the minutes.

2. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A 50 M.P.H. SPEED LIMIT ON OLYMPIC PARKWAY, BETWEEN BRANDYWINE AVENUE AND LA MEDIA ROAD, THEREBY AMENDING SCHEDULE X OF A REGISTER MAINTAINED IN THE OFFICE OF THE CITY ENGINEER

Based on the provisions of the California Vehicle Code (CVC), and pursuant to authority under Chula Vista Municipal Code Section 10.48.020, the City Engineer has determined that, in the interest of minimizing traffic hazards and for the promotion of public safety, the speed limit on Olympic Parkway between Brandywine Avenue and La Media Road be established at 50 m.p.h. (Director of Engineering)

Staff recommendation: Council place the ordinance on first reading.

CONSENT CALENDAR (Continued)

3. RESOLUTION NO. 2003-443, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING CONTRACT FOR TRAFFIC SIGNAL MODIFICATION AT THE INTERSECTION OF FOURTH AVENUE AND ORANGE AVENUE IN THE CITY OF CHULA VISTA (PROJECT TF-309)

On September 17, 2003, sealed bids were received for this project. HMS Construction, Inc. submitted the low bid of \$25,110. (Director of Engineering)

Staff recommendation: Council adopt the resolution and award the contract to HMS Construction, Inc., in the amount of \$25,110.

4. RESOLUTION NO. 2003-444, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PROPOSAL TO NAME THE OTAY RANCH VILLAGE SIX NEIGHBORHOOD PARK, "SANTA VENETIA PARK" (Continued from the meeting of October 7, 2003)

On May 27, 2003, the Council approved the master plan for the Village Six Neighborhood Park. In order to establish a stronger village identity, City staff, Otay Ranch Company, and McMillin Company have agreed to name the park, "Santa Venetia Park." Santa Venetia is one of the promenade streets that both of the developers of Village Six (Otay Ranch Company and McMillin Company) share in common. (Acting Director of Planning & Building)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION NO. 2003-445, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE THREE-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA, RECON (CONSULTANT), AND OTAY PROJECT, L.P. (APPLICANT), FOR CONSULTING SERVICES RELATED TO THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

Adoption of the resolution approves the first amendment to the three-party agreement with Recon for consulting services relating to Villages Two, Three, Planning Area 18b, and portions of Villages Four and Seven. (Acting Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2003-446, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A THREE-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA, RECON (CONSULTANT), AND MCMILLIN ROLLING HILLS RANCH, LLC (APPLICANT), FOR BIOLOGICAL MITIGATION MONITORING AND ENVIRONMENTAL SERVICES TO BE RENDERED FOR THE ROLLING HILLS RANCH SECTIONAL PLANNING AREA (SPA) PLAN, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

CONSENT CALENDAR (Continued)

In compliance with State law, a mitigation monitoring and reporting program (MMRP) was adopted by the City Council for the Rolling Hills Ranch (formerly Salt Creek Ranch) Sectional Planning Area (SPA) Plan. State law requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. Adoption of the resolution approves the proposed contract with RECON for a total of \$49,936, to provide consulting services as the Environmental Monitor Specialist for the Rolling Hills Ranch SPA Plan Environmental Impact Report Nos. 89-03 and 91-03, for a period of five years. (Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

ACTION: Mayor Padilla moved to approve staff's recommendations and offered the Consent Calendar, headings read, texts waived. The motion carried 5-0.

ORAL COMMUNICATIONS

There were none.

PUBLIC HEARINGS

7. CONSIDERATION OF THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 07-I (OTAY RANCH VILLAGE ELEVEN) AND AUTHORIZATION TO LEVY SPECIAL TAXES AND TO INCUR A BONDED INDEBTEDNESS SECURED BY SUCH SPECIAL TAXES

On September 16, 2003, Council approved the Resolution of Intention to form Community Facilities District No. 07-I (CFD 07-I) and the resolution of intention to incur a bonded indebtedness for CFD 07-I and set the public hearing for October 21, 2003. CFD 07-I will fund the construction of public facilities, such as roadways for Otay Ranch Village Eleven. In addition, a portion of the proceeds may be used for certain transportation enhancement projects, as directed by the City. Adoption of the resolutions continues the formal proceedings leading to the establishment of CFD 07-I and the authorization, subject to the approval of the qualified electors, to levy special taxes and to issue bonds secured by the levy of such special taxes. (Director of Engineering)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There were no members of the public wishing to speak.

ACTION: Councilmember Davis moved to continue the hearing to November 12, 2003. Councilmember McCann seconded the motion, and it carried 5-0.

ACTION ITEMS

8. CONSIDERATION OF AN AMENDED AND RESTATED SECOND AFFORDABLE HOUSING AGREEMENT FOR THE ROLLING HILLS RANCH COMMUNITY

Adoption of the resolution approves an amended and restated affordable housing agreement allowing McMillin Rolling Hills Ranch, LLC to satisfy their affordable housing obligation through either rental or for-sale housing. (Director of Community Development)

Senior Community Development Specialist Do presented the Rolling Hills Ranch project, the name of which is proposed to be "Sedona."

Dave Gatzke, representing McMillin Companies, stated that McMillin has partnered with Shea Homes to deliver the remaining 32 affordable rental/for-sale units as part of their affordable housing obligation.

Ryan Martin, representing Shea Homes, stated that they are excited about their involvement with the master planned community in Rolling Hills Ranch and affording low-income families the opportunity for home ownership. He discussed the site plan and architecture of the proposed project and asked for the Council's support of the project.

Councilmember McCann thanked the homebuilders for bringing forward the proposed affordable housing project that will provide low-income families the opportunity to own their own home, build equity, and live the American dream.

Deputy Mayor Rindone spoke in support of the proposed project, adding that it would give members of the community the opportunity to gain home ownership.

ACTION: Councilmember McCann offered Resolution No. 2003-447, heading read, text waived:

RESOLUTION NO. 2003-447, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED AND RESTATED SECOND AFFORDABLE HOUSING AGREEMENT RELATED TO ROLLING HILLS RANCH BETWEEN THE CITY AND MCMILLIN ROLLING HILLS RANCH, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

The motion carried 5-0.

9. CONSIDERATION OF ACCEPTANCE OF A REPORT REGARDING THE SAN MIGUEL RANCH EFFORTS TO SATISFY ITS AFFORDABLE HOUSING REQUIREMENTS BY PROCESSING AND CONSTRUCTING A 129-UNIT, FOR-SALE PROJECT

The affordable housing agreement between the City and San Miguel Ranch allows for the development of either for-sale or rental to satisfy the affordable housing obligation. The developer has expressed a desire to build a for-sale project. (Director of Community Development)

ACTION ITEMS (Continued)

Steve Hester, representing Trimark Pacific, complimented City staff on their progress towards providing affordable housing in the community. He stated that qualifications for the moderate units would be based upon income as well as price, as opposed to price only.

Senior Community Development Specialist Do presented a report regarding the San Miguel Ranch affordable housing requirements and reported a projected November 2004 timeline for completion of phase one.

ACTION: Deputy Mayor Rindone moved to accept the report. Councilmember McCann seconded the motion, and it carried 5-0.

OTHER BUSINESS

10. CITY MANAGER'S REPORTS

City Manager Rowlands announced that a community meeting is scheduled for Wednesday, October 29, 2003, from 6:00 p.m. to 8:00 p.m., at the Harborside Elementary School auditorium to discuss visions and ideas for the design of Oxford Park.

11. MAYOR'S REPORTS

Mayor Padilla spoke regarding the success of the *Beautify Chula Vista* event that took place on October 18, 2003, and he thanked members of the community, City staff, and fellow Councilmembers for their participation.

12. COUNCIL COMMENTS

Councilmember Davis announced that volunteers for the *Christmas in October* event would be receiving an invitation to a pizza party at La Bella's Restaurant on Wednesday, October 29, 2003, from 5:00 p.m. to 7:00 p.m. She also acknowledged Fire Captain Paul Hyde and Chula Vista Firefighters, who volunteered their time constructing a new roof at one of the homes on Moss Street.

Councilmember McCann expressed his excitement about the upcoming community meeting on October 29, 2003, that he believed was a demonstration of the Council's commitment to reinvesting and creating new park land on the west side.

Deputy Mayor Rindone thanked Chula Vista Elks Lodge No. 2011 for the dedication of the American Flag monument that took place on Saturday, October 18, 2003. He stated that a proclamation of appreciation would be presented to the Elks Lodge at the Council Meeting on November 4, 2003, at 4:00 p.m.

Councilmember Salas congratulated Mayor Padilla for his leadership at the *Beautify Chula Vista* event, and also acknowledged the many youth who participated. She added that residents of the clean-up areas expressed their appreciation towards the volunteers for their efforts, and she suggested that similar clean-up efforts be conducted on a semi-annual basis.

OTHER BUSINESS (Continued)

Councilmember Salas requested that family resource centers also be notified of the Oxford Park community meeting on October 29, 2003.

Councilmember Salas reported on the recent tree trimming on Third Avenue, complimenting the City's Public Works crew and tree trimmers on a job well done.

CLOSED SESSION

Mayor Padilla announced that Closed Session was cancelled, and the following items were not discussed:

13. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

- City of Chula Vista v. Otay Land Company, LLC, a Delaware Limited Liability Company, et al. (GIC796139-1)

14. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: San Diego Gas & Electric – Gas and Electricity Franchise (pertaining to public rights-of-way throughout the City of Chula Vista)
City negotiators: David Rowlands, Jr., Sid Morris, Michael Meacham, Glen Googins
Negotiating Parties: City of Chula Vista and San Diego Gas & Electric (various representatives)
Under Negotiation: Price and terms of franchise conveyance

15. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

- City of Chula Vista v. C & S Doctor, Inc. (SDSC No. GIC 787174)
- C & S Doctor, Inc. v. City of Chula Vista (SDSC No. GIC 803780)

ADJOURNMENT

At 6:37 p.m., Mayor Padilla adjourned the meeting to the Regular Meeting of October 28, 2003, at 6:00 p.m. in the Council Chambers.

Susan Bigelow, CMC, City Clerk